

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
July 20, 2006 Session

BASIL MARCEAUX v. NEILL SOUTHERLAND, ET AL.

**Appeal from the Chancery Court for Hamilton County
No. 03-1027 W. Frank Brown, III, Chancellor**

No. E2003-02704-COA-R3-CV - FILED OCTOBER 17, 2006

The trial court dismissed the plaintiff's complaint – without hearing proof – on the defendants' respective motions to dismiss. The plaintiff appeals. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court
Affirmed; Case Remanded**

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which D. MICHAEL SWINEY and SHARON G. LEE, JJ., joined.

Basil Marceaux, appellant, pro se.

Ward Crutchfield, Chattanooga, Tennessee, attorney for appellees, Neill Southerland and Rheubin Taylor.

Ronald D. Wells and Stacy Lynn Archer, Chattanooga, Tennessee, attorneys for appellees, Sam Elliott, Cris Helton and Brian Smith.

Jennifer T. Flowers, Chattanooga, Tennessee, attorney for appellees, Marty Lasley, Ann Shaffer, Ken Fritz, Phillip Noblett, Mike McMahan and Randy Nelson.

Robert G. Norred, Jr., Chattanooga, Tennessee, attorney for appellees, Chattanooga Free Press, Channel 9 News, Channel 3 News, Channel 61 News and Comcast.

Alfred H. Knight and Alan D. Johnson, Nashville, Tennessee, attorneys for appellees, The Tennessean and USA Today.

Eileen Burkhalter Smith, Nashville, Tennessee, attorney for appellee, Mothers Against Drunk Driving.

MEMORANDUM OPINION¹

We have reviewed the record pursuant to the provisions of the Tennessee Rules of Appellate Procedure. We find no error in the trial court's judgment. The trial court's judgment is affirmed with costs on appeal being taxed to the appellant, Basil Marceaux. This case is remanded to the trial court for collection of costs assessed below.

CHARLES D. SUSANO, JR., JUDGE

¹Rule 10 of the Rules of the Court of Appeals provides as follows:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.